

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MADISON HOBLEY,

Plaintiff,

v.

CHICAGO POLICE COMMANDER
JON BURGE, et al.,

Defendants.

FILED

JUN 28 2004

UNITED STATES DISTRICT COURT

No. 03 C 3678

Judge Marvin Aspen

Magistrate Judge
Geraldine Soat Brown

NOTICE OF EMERGENCY MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that on June 29, 2004 at 10:30 a.m., or as soon as this Motion may be heard, I shall appear before the Honorable Judge Aspen, or any judge sitting in his stead in Courtroom 2578 in the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, 60604 and shall then and there present Petitioners, Leroy Martin and Gayle Shines Emergency Motion for a Stay of Disclosure during the litigation of the Intervenor's Objections, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,
GAYLE SHINES and
LEROY MARTIN

By:



Eileen M. Letts

Martin P. Greene

Kevin T. Lee

Terry Miller

GREENE AND LETTS

111 West Washington Street

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RECORDED
JUN 30 2004

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PROOF OF SERVICE

The undersigned hereby certifies that the above-mentioned Notice of Motion and Motion were served on the above-mentioned party on June 28, 2004.

- ☐ by personal delivery
- ☒ by facsimile
- ☐ by placing a copy of same in an envelope properly addressed and stamped and placing said envelope in a U.S. Mail Box at 111 West Washington Street, Chicago, Illinois.



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Magistrate Judge
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JUN 30 2004

**EMERGENCY MOTION FOR STAY OF DISCLOSURE OF PRIVILEGED
COMMUNICATIONS PENDING RESOLUTION OF INTERVENORS' OBJECTIONS**

NOW COMES intervenors, LeRoy Martin and Gayle Shines, by and through their attorneys, EILEEN M. LETTS, MARTIN P. GREENE, KEVIN T. LEE, and TERRY MILLER of the law firm of GREENE AND LETTS, and request this Honorable Court to stay disclosure of the disputed documents in the instant matter pending the presentment and resolution of Intervenor's Objections of this Court's written "Memorandum, Opinion and Order" dated June 16, 2004 and state as follows:

1. On April 20, 2004, Magistrate Geraldine Soat-Brown entered an order broadly waiving various privileges attached to and associated with documents in the possession of the law firm of Hinshaw and Culbertson.

2. On or around April 20, 2004, the Magistrate's Order came to the attention of counsel for LeRoy Martin and Gayle Shines.

3. On May 19, 2004, the Magistrate granted Mr. Martin and Ms. Shines the right to intervene for the limited purpose of preserving their claims of privilege. The Order specifically barred counsel for intervenors from viewing the disputed "Martin documents."

4. The issue was briefed, and on June 16, 2004 the Court denied the intervenors' motion for a protective order.

5. A party may serve and file objections to a Magistrate Judge's order within 10 days after being served with a copy of the order. Federal Rules of Civil Procedure 72(a). The 10

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day time frame in which to file objections excludes Saturdays, Sundays, and legal holidays from the computation. Lerro v. Quaker Oats Co., 84 F.3d 239 (7th Cir. 1996).

6. A party can also bring a motion to reconsider in order to correct errors of law or fact or present newly discovered evidence. See *Bordelon v. Chicago School Reform Board of Trustees*, 233 F.3d 524, 529 (7th Cir.2000)(citing *LB Credit Corp. v. Resolution Trust Corp.*, 49 F.3d 1263 (7th Cir.1995).

7. On June 24, 2004, Magistrate Brown issued an Order compelling the disclosure of documents that contain the privileged communications of the intervenors. This disclosure is to occur today, June 28, 2004.

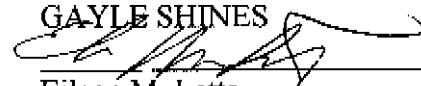
8. Because the June 24, 2004 Order compelled the disclosure of the documents before the time that intervenors' objections or any Motion for reconsideration was due, intervenors brought an Emergency Motion for stay of disclosure pending presentment and resolution of the Motion for Reconsideration before the Magistrate.

9. On June 28, 2004, at 9:45 the Motion for Reconsideration was summarily denied without comment on either the applicable law or the new affidavit submitted in support of the Motion for Reconsideration. It is this denial of the Motion for Reconsideration to which intervenors now object.

WHEREFORE, intervenors request that this Court Stay the disclosure of only those documents concerning LeRoy Martin and Gayle Shines until the Court has ruled on intervenors' objections.

Respectfully submitted,

INTERVENORS
LEROY MARTIN
GAYLE SHINES



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